

Remarks:

In the February 12, 2004, Office Action, the drawings were objected to under 37 C.F.R. 1.83(a). On the merits, Claims 75-78, 81-85, 89, 90, 92, 96-98, 101-105, 109, 110, 112, and 117 were rejected under 35 U.S.C. Section 102(a) as being anticipated by Plourde. Claims 75-78, 81-85, 89, 90, 92, 96-98, 101-105, 109, and 112 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Plourde. Claims 86-88 and 106-108 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Plourde. Claims 91 and 111 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Plourde. Claims 93-95 and 113-115 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Plourde. Claim 116 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Plourde.

Applicants note that Claim 117 was previously cancelled, and thus its rejection in the February 12, 2004, Office Action appears to be an error.

Fig. 3 is being amended to eliminate the use of the reference numeral "19" to refer to a component. Both a marked-up copy of the amended figure and a replacement drawing sheet are being submitted. In the specification, paragraph 81 is also being amended to make the corresponding changes in the specification. This change is being made due to a related application which includes the same figures plus a number of additional figures using the reference numeral "19" in two figures, the second of which is not included in the present application.

Figs. 40b, 40c, 40d, and 40e are being added to show the perforations 12b, the microperforations 12c, the scores 12d, and the multiple laminate materials which include a layer having an area 12e of material or materials which are specifically designed to be easily torn, respectively. Support for these elements is in the specification in the second sentence of paragraph 18 and in the claims which were originally filed with the present application. No new matter has been added. In the specification, paragraphs 40a, 40b, 40c, and 40d have been added and paragraph 121 is being amended to make the corresponding changes in the specification with regard to the added figures. No new matter has been added in the specification.

Claims 75-78, 81-98, and 101-116 have been amended to more particularly claim the present invention. New Claims 138-153 have been added in this Amendment G. No new matter has been added.

Applicants regard as their invention a reclosable bag formed of web material having a fold therein which forms the top of the bag. Two areas of structural weakness are located on opposite sides of the fold, and an opening is located in the bag in a position which is directly opposite the fold. A reclosable fastener has a skirt structure including a distal portion which is coupled to the web material, and the reclosable fastener and its skirts extend over the two areas of structural weakness and the fold to protect their integrity. The distal portions of the skirts are coupled to the bag in corresponding positions on opposite sides of the bag. The portion of the web material forming the fold

and between the two areas of structural weakness may be removed to unseal the contents of the bag, and the reclosable fastener allows access to the contents of the bag and enables the bag to be resealed. This invention is not taught or suggested in the Plourde reference used by the Examiner in the February 12, 2004, Office Action, or, indeed, by any other reference of which Applicants are aware.

Prior to discussing the claims as amended herein, it is useful to examine the Plourde reference (U.S. Patent No. 5,875,611) cited by the Examiner in the February 12, 2004, Office Action in order to ascertain what it teaches. What is immediately striking about the Plourde reference is the fact that filling the Plourde bags will require detaching the bags from each other on the production line -- an approach which will necessarily greatly decrease the speed of the production line and hence the overall efficiency of the operation. The reason for this is the fact that the Plourde bag is filled from the side facing an adjacent bag rather than being filled from the top or the bottom of the stream of bags as is conventional. In a production line, it is desirable to keep the bags in a continuous web until after they have been filled and sealed.

The Plourde bag, on the other hand, is manufactured on such a production line initially, from a tubular sheet of material. However, the opening in the Plourde bag is on the side which faces the next bag. The sides of the Plourde bag which are on the lateral edges of the tube sheet material 10 are initially sealed together, and a lateral seal 12 forms the bottom of the Plourde bag. It is apparent from both the drawings and the

specification of the Plourde reference that the opening on the Plourde bag is on a side thereof which is adjacent both of the opposite folds formed by the tube sheet material 10, and as such is not opposite any fold in the Plourde bag.

In addition, the seals 46 and 48 between the flange areas 32 of the zipper tape 20 and the tube sheet material 10 in the Plourde bag are not on opposed locations which are respectively located on opposite sides of the tubular sheet of material, but are specifically stated to be required to be offset from each other. This is a limitation of the manufacturing process used by Plourde, and results in a bag, best shown in Fig. 4, which clearly has the seals 46 and 48 offset. In fact, Plourde emphasizes this fact by requiring it in the claims, and also by referring to the seals 46 and 48 as the "offset seal 46" and the "offset seal 48," respectively. In addition, Plourde does not produce an area between the perforations 40 on the tube sheet material 10 which is truly on opposite sides of a fold -- rather, the perforations 40 are on an arc forming the shorter sides of the Plourde bag.

While Applicants do not concur with the rejections, Applicants have amended independent Claims 75, 96, and 116 to more precisely claim their invention in a manner which even more clearly distinguishes these claims from the Plourde reference. Applicants have also added new independent Claim 138, as well as new dependent Claims 139-153.

Referring first to independent Claims 75, 96, and 116, which were rejected as being anticipated by Plourde, Applicants traverse the rejection and note that it is quite

clear that Plourde does not teach several of the limitations in these claims, as amended.

One of the most striking differences between independent Claims 75, 96, and 116 and Plourde also represents a significant practical improvement of the present invention over the Plourde bag -- namely, that the bag of the present invention can be filled without necessitating its removal from the production line to access the opening in the bag. Each and every one of the independent claims in the application (amended independent Claims 75, 96, and 116 and newly added independent Claim 138) requires the opening to be directly opposite the fold.

The Examiner maintained that "[t]he side opening through which the bag 16 of Plourde is filled with product is 'generally opposite' the fold structure 20 since the bag 16 is coupled to the skirt structure 32 and the skirt structure 32 is *generally opposite* the fold of the fold structure 20." (This is incorrect on its face since the reference numeral 20 refers not to a fold, but to the zipper tape 20.) This is a physical impossibility for the Plourde reference -- since it is made of the tube sheet material 10, it arguably has two folds. The opening in the Plourde bag is not opposite either of these folds -- rather, it is adjacent to each of the folds and thus is located intermediate the two folds. There is no meaning of the word "opposite," either the common, generally accepted meaning of the word, or its clear meaning in the context of Claims 75, 96, and 116, which means "adjacent" or "next to" or "located intermediate" or "between."

The dictionary meaning of opposite is "at the other end or side of an intervening line or space." Merriam-Webster OnLine Dictionary. Indeed, it is quite clear that the use of the word "opposite" in Claims 75, 96, and 116 clearly excludes the Plourde reference, which has its opening located adjacent or next to the folds, and intermediate or between the two folds, rather than being opposite either of them. All of the independent claims of the present patent application now use the term "directly opposite" to make this even more clear. For this reason, Plourde simply does not teach (or suggest) the limitations of Claims 75, 96, 116, or 138.

The other significant difference between the independent claims as amended and the Plourde reference is that while Plourde uses offset seals to attach the zipper tape 20 to the tube sheet material 10, independent Claims 75, 96, 116, and 138 all specifically recite that the distal margins of the skirt structures are coupled to the web material at corresponding opposed locations. This further distinguishes the present invention from the Plourde reference, which specifically teaches that the offset seals 46 and 48 are required to be offset. This is required by Plourde to ensure "that the seals 46, 48, never reach the melting temperature, enabling them to be sealed to one another." The language of the amended claims and the new claim on this issue clearly defines over the Plourde reference. Since the limitations of independent Claims 75, 96, 116, and 138 are not taught in the cited prior art, they are believed to patentably distinguish these claims over

the Plourde reference. Thus, Applicants believe that independent Claims 75, 96, 116, and 138 are allowable, and respectfully requests their allowance by the Examiner.

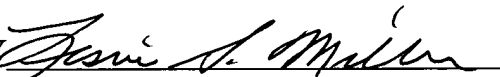
Dependent Claims 76-95 depend upon independent Claim 75, which as stated above is believed to be allowable, and thus these dependent claims are also believed to be allowable, and their allowance is also respectfully requested. Accordingly, there is believed to be no need to comment on the rejections of the dependent claims, since they are believed to be allowable by virtue of their dependency upon Claim 75, which is believed to be allowable for the reasons stated above. Applicants note that while Claims 79 and 80 were withdrawn, the allowance of Claim 75 would require their allowance as well.

Dependent Claims 97-115, which depend on independent Claim 95, are also believed to be allowable by virtue of their dependency upon Claim 96, which is believed to be allowable for the reasons stated above. Applicants note that while Claims 99 and 100 were withdrawn, the allowance of Claim 96 would require their allowance as well. Finally, dependent Claims 139-153, which depend on independent Claim 138, are also believed to be allowable by virtue of their dependency upon Claim 138, which is believed to be allowable for the reasons stated above.

Accordingly, Applicants believe that Claims 75-116 and 138-153 are patentable at this time. These claims remain pending following entry of this Amendment G, and are in condition for allowance at this time. As such, Applicants respectfully request entry of the

present Amendment G and reconsideration of the application, with an early and favorable decision being solicited. Should the Examiner believe that the prosecution of the application could be expedited, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

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ANNOTATED SHEET SHOWING CHANGES

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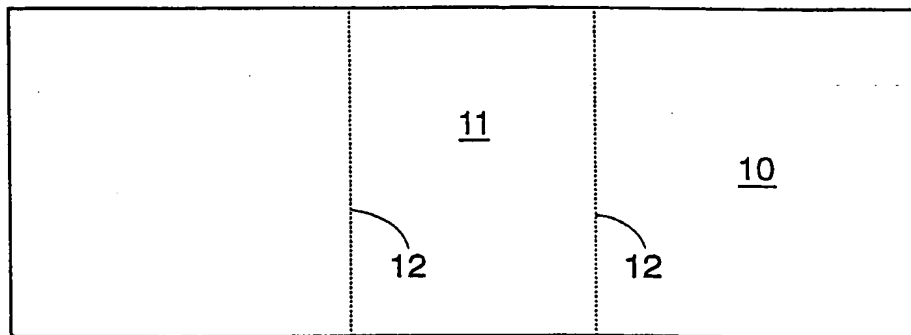


Fig. 1



Fig. 2

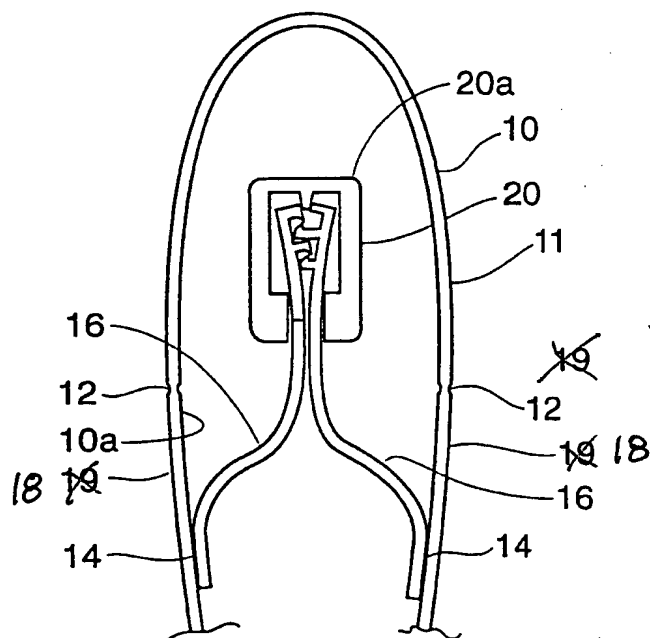


Fig. 3